

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JA APPAREL CORP.,

Plaintiff,

v.

JOSEPH ABOUD, HOUNDSTOOTH CORP., and
HERRINGBONE CREATIVE SERVICES, INC.,

Defendants.

JOSEPH ABOUD, HOUNDSTOOTH CORP., and
HERRINGBONE CREATIVE SERVICES, INC.,

Counterclaim-Plaintiffs,

v.

JA APPAREL CORP. and MARTIN STAFF,

Counterclaim-Defendants.

**PLAINTIFF AND COUNTERCLAIM-DEFENDANTS'
NOTICE OF MOTION TO STRIKE DECLARATION OF LOUIS S. EDERER**

PLEASE TAKE NOTICE, that, upon the accompanying Memorandum of Law (1) in Reply to Defendants' Opposition to Motion *in Limine* to Preclude the Admission of Parol Evidence; (2) in Opposition to Defendants' Motion for Judgment on the pleadings; and (3) in Support of Plaintiff and Counterclaim-Defendants' Motion to Strike the declaration of Louis S. Ederer, plaintiff and counterclaim-defendant J.A. Apparel Corp. and counterclaim-defendant Martin Staff, by their attorneys, Kaye Scholer LLP, will move this Court before the Honorable

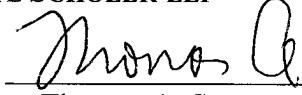
Theodore H. Katz, United States Magistrate Judge, at the United States District Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007-1581, for an order striking the declaration of Louis S. Ederer, signed February 14, 2008 (Dkt. Entry 33), in its entirety, and granting such other and further relief as the court deems just and proper. The grounds for this motion, as more fully set forth in the accompanying memorandum of law, are that Mr. Ederer does not have the personal knowledge necessary to authenticate the exhibits attached to the declaration or to support the factual statements made therein and that the declaration is argumentative.

Dated: February 19, 2008
New York, New York

Of counsel:

John D. Geelan
Richard A. De Sevo
Victoria Haje
Patricia Ryder

KAYE SCHOLER LLP

By: 

Thomas A. Smart
Phillip A. Geraci

425 Park Avenue
New York, New York 10022
(212) 836-8000

*Attorneys for Plaintiff and Counterclaim-
Defendants*